

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15 CR 161 AGF
)	
JOHNATHAN DeMARCO CREWS,)	
)	
Defendant.)	

DETENTION ORDER

Defendant Johnathan DeMarco Crews came before the court on April 21, 2015, for a detention hearing on motion of the United States that defendant be detained under the Bail Reform Act of 1984, 18 U.S.C. § 3142. (Doc. 4.)

Defendant Crews is charged by indictment with one count of possessing a firearm on March 16, 2015, after having been convicted of a felony offense. This charge carries a statutory maximum punishment that includes imprisonment for not more than 10 years following conviction.

The Bail Reform Act places upon the government a substantial burden of proof regarding whether a person should be detained.

Only if the government shows by clear and convincing evidence that no release condition or set of conditions will *reasonably assure* the safety of the community and by a preponderance of the evidence that no condition or set of conditions under subsection (c) [of 18 U.S.C. § 3142] will *reasonably assure* the defendant's appearance can a defendant be detained before trial.

United States v. Kisling, 334 F.3d 734, 735 (8th Cir. 2003) (quoting United States v. Orta, 760 F.2d 887, 891 & n. 20 (8th Cir. 1985) (en banc)).

At the detention hearing, the parties had no disagreement with the facts set forth in the written report of the pretrial services officer, dated April 17, 2015 (Doc. 7). Therefore, the court hereby adopts and incorporates by reference into this detention order the facts set forth in this report.

From the record, including the written pretrial services officer's report and the statements of counsel the court finds and concludes by clear and convincing evidence that the release of

defendant Johnathan DeMarco Crews upon his own recognizance, an unsecured bond, any condition of release, or any combination of conditions of release will not reasonably assure the court that he will not be a danger to the community and that he will not flee. 18 U.S.C. § 3142(b), (c). Defendant has a substantial criminal record of convictions, including violence within a correctional facility. He has engaged in criminal activity while under supervision, he has engaged in violent behavior, and he is currently on state supervision.

For these reasons,

IT IS HEREBY ORDERED that the motion of the United States that defendant Johnathan DeMarco Crews be detained (Doc. 4) is sustained. Defendant is committed to the custody of the United States Marshals Service until further order.

IT IS FURTHER ORDERED that defendant be allowed reasonable opportunity for consultation with counsel and with defense counsel's retained investigator, paralegal, or other retained expert consultant.

IT IS FURTHER ORDERED that on order of a court of the United States or on request of an attorney for the United States, the person in charge of the corrections facility in which defendant is confined must deliver defendant to the United States Marshals Service for the purpose of an appearance in connection with a court proceeding.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on April 21, 2015.